

Message

From: Jessica Madron [jessica.madron@GRO]
on behalf of Jessica Madron <jessica.madron@GRO> [jessica.madron@GRO]
Sent: 26/02/2013 18:29:43
To: 'Victoria.Brooks@GRO' [Victoria.Brooks@GRO]; Kate Newton [kate.newton@GRO]
CC: Rodric Williams [rodric.williams@GRO]; Sabrina Jethwa [sabrina.jethwa@GRO]; Paul Inwood [paul.inwood@GRO]
Subject: Re: Charge letter - Newcastleton branch [GRO]

All

I note Victoria's comments and agree that the whole process of how breaches are dealt with under the new contracts and whether interviews serve a useful purpose needs to be properly considered. POL's desire to maintain continuity of service may mean that we should not jump straight to termination in all cases until alternatives have been explored, and this may involve a meeting with the operator or its representative. However this must be explicitly without prejudice to POL's contractual rights.

In addition we should clearly delineate any such new process/policy from that which applies under the subpmr contract - with its right of appeal by subpmr - and this should include not calling this a "charge" letter or any meeting an "interview" as these imply a quasi-legal process which I think we should avoid.

Paul - is there a meeting on the new process in the offing?

Many thanks

Jessica

From: Victoria Brooks [mailto:Victoria.Brooks@GRO]
Sent: Tuesday, February 26, 2013 05:30 PM
To: Kate Newton
Cc: Rodric Williams; Jessica Madron; Sabrina Jethwa; Paul Inwood
Subject: RE: Charge letter - Newcastleton branch [GRO]

Dear Kate

Many thanks for sending this through.

A few points just to flag / mention:

1. You have seen my emails with Rodric and Paul Inwood regarding the interview process, where this comes from and whether it is necessary. Paul has said that these points will be picked up as part of a review that is imminent, so for now I have proceeded on the basis that POL wants to allow the opportunity for an interview to take place. I should point out that here this process seems more unusual than in the case of Dalneigh, because in Dalneigh the Operator was an individual (and as such I understand the interview process may be being used as I understand a similar process was used for subpostmasters) but here the Operator is not an individual, but a company (Lumsdens Newsagent Ltd). Therefore there is not the same element of an individual being asked to answer a charge against them in a personal capacity. From the contractual (rather than criminal) point of view here, the company is being asked to answer the charges.
2. It seems to me that on the basis of the facts in the charge letter, POL has the right to terminate immediately and therefore again I am not sure of the point of having an interview, particularly as the Operator is a company. Is there something still to be considered and would the interview in reality ever result in the Operator not having its agreement terminated? I have added in a sentence towards the end of the letter to say that POL's rights are reserved, as I would not want it to be said that we had somehow waived our right to terminate immediately because we allowed the Operator the chance to answer the charges.
3. This Agreement is as discussed a little different from the Dalneigh one I reviewed previously. I have assumed that the standard conditions you initially sent me are the same as the ones referred to in the signed contract referred to below. If there is any chance that is not correct, please do let me know. However, the name of the document did include Newcastleton within the description so I assume all is well.
4. I assume that the Agreement with Lumsdens did commence as agreed and the Consultation Condition Precedent was met and the other reasons for terminating in Part B do not apply. Please let me know if this is not the case.

5. In the draft letter it mentions that a transcript and a copy of the interview recording will be provided, but from speaking to Andy Carpenter in relation to Dalneigh I understand that in fact only a copy of the recording is provided and no transcript is prepared. I am not sure if there is a different practice in different areas but we should just be sure that POL does not say it will provide a transcript if only a recording is in fact provided.
6. I am not sure whether the missing money has been repaid. If not, there are a couple of sections in the letter which I have included to cover that position. If the money has been repaid, these should be removed.

Do let me know if there is anything I can do to assist further. In particular, do let me know if you would to discuss any of the changes in more detail.

Kind regards

Victoria

Victoria Brooks
Associate
For and on behalf of Bond Pearce LLP
DDI: GRO
Fax: GRO
www.bondpearce.com

For Bond Pearce news and more:



Bond Pearce - Best Legal Adviser 2010 and 2011 in the Legal Week Intelligence Client Satisfaction Report



From: Kate Newton [mailto:kate.newton@GRO]
Sent: 26 February 2013 14:52
To: Victoria Brooks
Cc: Rodric Williams; Jessica Madron; Sabrina Jethwa
Subject: FW: Charge letter - Newcastleton branch

Victoria

Following our conversation this morning, I now attach the suspension letter and signed contract in relation to this matter.

Let me know if you need anything else.

Many thanks.

Kate

Kate Newton | Legal Services

1st Floor, 148 Old Street, London. EC1V 9HQ,

GRO

Kate Newton

GRO

postoffice.co.uk

GRO

POST
OFFICE

From: Anne Allaker
Sent: 26 February 2013 14:47
To: Kate Newton
Cc: Sabrina Jethwa; Rodric Williams
Subject: RE: Charge letter - Newcastleton branch

Kate,

Hope this is what you need?

Regards
Anne

Anne Allaker
Agents Contracts Advisor



Upper Floors, The Markets Post Office, 6/16 New York Street, Leeds LS2 7DZ

Tel: Mobex:

anne.allaker

POST
OFFICE

From: Kate Newton
Sent: 26 February 2013 10:42
To: Anne Allaker
Cc: Sabrina Jethwa; Rodric Williams
Subject: Charge letter - Newcastleton branch

Anne

I have just spoken to Victoria at BP. Please can you send to me the following documents so that I can forward them to her:

1. The suspension letter dated 12 February sent by David Southall to the agent; and

2. A copy of signed contract for this branch (ie. rather than the template Local Off-site contract attached to your previous email).

Thanks.

Kate

Kate Newton I Legal Services

1st Floor, 148 Old Street, London. EC1V 9HQ,

GRO

Kate Newton

GRO

postoffice.co.uk

GRO

POST
OFFICE

From: Anne Allaker
Sent: 25 February 2013 11:41
To: Kate Newton
Cc: Sabrina Jethwa
Subject: RE: Advice Please

Thanks Kate,

I'll await the outcome.

Regards
Anne

Anne Allaker
Agents Contracts Advisor



Upper Floors, The Markets Post Office, 6/16 New York Street, Leeds LS2 7DZ

Tel:

GRO

Mobex:

GRO

anne.allaker

GRO

POST
OFFICE

From: Kate Newton
Sent: 25 February 2013 11:40
To: Anne Allaker
Cc: Sabrina Jethwa
Subject: RE: Advice Please

Anne - having discussed this with Rodric Williams, our Litigation lawyer, we have asked Victoria Brooks at Bond Pearce to look at this and come back to us with comments today.

Kate

Kate Newton I Legal Services

1st Floor, 148 Old Street, London. EC1V 9HQ,

GRO

Kate Newton GRO

postoffice.co.uk

GRO



From: Sabrina Jethwa
Sent: 22 February 2013 14:41
To: Anne Allaker; Kate Newton
Subject: RE: Advice Please

Thanks Anne

We might need to get Scottish lawyers to look at this.

Kind regards

Sabrina

From: Anne Allaker
Sent: 22 February 2013 14:39
To: Kate Newton; Sabrina Jethwa
Subject: Advice Please

Sabrina,

Could you have a look at this charge letter and advise me of any changes needed please?
This is a branch in Scotland so I'm also keen to make sure it won't set any precedents if there are any differences for Scottish laws.

Please let me know if any further information is needed.

Regards
Anne

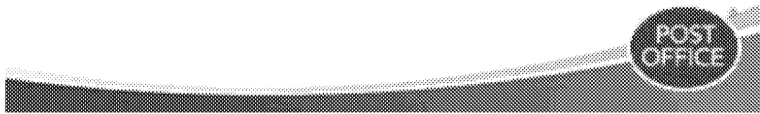
Anne Allaker
Agents Contracts Advisor



Upper Floors, The Markets Post Office, 6/16 New York Street, Leeds LS2 7DZ

Tel: GRO Mobex: GRO

anne.allaker GRO



Jessica

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: 148 OLD STREET, LONDON EC1V 9HQ.

Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. jessica.madron [GRO] only is authorised to access this e-mail and any attachments. If you are not jessica.madron [GRO] please notify victoria.brooks [GRO] as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication is prohibited.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. You should carry out your own virus checks before opening any attachment. Bond Pearce LLP accepts no liability for any loss or damage which may be caused by software viruses.

Bond Pearce LLP is a Limited Liability Partnership registered in England and Wales number [GRO]
Registered Office: [GRO] VAT number [GRO]

A list of members (all of whom are solicitors of England and Wales or registered foreign lawyers) is open for inspection at the registered office.
We use the word "partner" to refer to a member of the LLP, or an employee or consultant who is a lawyer with equivalent standing and qualifications.
Authorised and regulated by the Solicitors Regulation Authority.

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender and then delete this email from your system.

ROYAL MAIL GROUP LIMITED registered in England and Wales at 100 VICTORIA EMBANKMENT, LONDON EC4Y 0HQ with the registered company number 04138203
